

Consulting Party Meeting # 2

PA SHPO (09-16-2020) and Consulting Party (09-07-2020) Comments and Responses

Merchant Street Bridge Project

Prepared for:

Norfolk Southern Railway Company



Date: September 2020

**Norfolk Southern Railway Company
Merchant Street Bridge Project
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Comment #	Source	Commenter	Comments	Responses
1	09/16/2020 Letter Paragraph 3	Barbara Frederick (PA SHPO)	<p>With regard to condition, the PA SHPO is requesting a written response to concerns raised in the September 8, 2020 email from RP3 which questions the condition of other bridges along the line in comparison to Merchant Street. The response should provide an understanding of the condition of other structures along the line and why it is necessary to replace the Merchant Street Bridge before and independent of others along the Pittsburgh Vertical Clearance Project corridor. This information can be provided at the upcoming consulting party meeting scheduled for October 6, 2020.</p>	<p>Bridge safety and inspections are governed at a federal level by the Federal Railroad Administration (FRA). (See 49 CFR Part 237.) In Pennsylvania, the Public Utilities Commission possesses ancillary authority with respect to certain aspects of rail bridge design and replacement. Notably, the Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114-94) (Dec. 4, 2015) specifically dealt with the development and filing of bridge inspection reports and their accessibility. See Section 11405 of the FAST Act. The FAST Act generally allows for public disclosure only of the general condition of railroad bridges in light of the security and safety considerations the FAST Act is intended to protect.</p> <p>Consistent with federal and any applicable state regulatory requirements, Norfolk Southern and FRA routinely inspect railroad bridges along the entire Norfolk Southern right-of-way, including the bridges in Pittsburgh. To the extent that Norfolk Southern has maintenance obligations, Norfolk Southern maintains those bridges in accordance with regulatory requirements and industry standards to sustain safe railroad operations. Each bridge is assessed independently for the loads it is intended to carry. In direct response to the inquiry concerning the condition of the other bridges near the Merchant Street Bridge, inspection results indicate that none of the other bridges in the area of Allegheny Commons are in need of immediate replacement on the same timeline as the Merchant Street Bridge. Although included in the separate Pittsburgh Vertical Clearance Projects, which deal with vertical railroad clearance issues, the W. North Avenue Bridge is nearing the end of its useful life and Norfolk Southern has already commenced the process toward that bridge's replacement.</p>
2	09/16/2020 Letter Paragraphs 4 through 10	Barbara Frederick (PA SHPO)	<p>As historic properties are located within the APE for the project, it is necessary to assess the effects of the project on these resources and work to avoid, minimize, and/or mitigate adverse effects. The PA SHPO provides the following comments with regard to the assessment of effects outlined in the Determination of Effect Report.</p> <p><i>Allegheny Commons Historic District</i> The Allegheny Commons Historic District (Key No. 086811) is a city park that was listed in the National Register in the areas of Community Planning and Development and Landscape Architecture. The bridge does not contribute to the park historic district. Contributing resources to the park within the APE include the stone retaining walls along the railroad bed topped with wrought iron fencing. These walls separate Merchant Street from the park in the proximity of the railroad bridge. Neither of these features will be impacted in a way that changes the character of the district as project plans for the bridge replacement will outline</p>	<p>The following conclusions are noted: the bridge does not contribute to Allegheny Commons Historic District; there is no potential for visual effects; and there will be No Adverse Effect on the Allegheny Commons Historic District if the project is not redesigned as noted.</p>

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			<p>their retention and rehabilitation in accordance with the Secretary of the Interior’s Standards for Rehabilitation (the Standards).</p> <p>The proposed new superstructure for the Merchant Street Bridge will be a similar height and appearance as the existing bridge. The PA SHPO agrees there is no potential for a visual effect to the Allegheny Commons Historic District associated with the superstructure replacement and rehabilitation of the adjacent stone wall and fencing.</p> <p>It is the opinion of the PA SHPO office that the potential for indirect visual effects on the Allegheny Commons Historic District associated with the double-stack project should be addressed as part of the Merchant Street Bridge project. Comments provided during the second consulting party meeting for Merchant Street Bridge indicate local residential property owners and occupants are interested in possible visual screening from the increased height of freight traffic at this location. Significant increases to the height of the historic walls to screen double-stack freight could result in the need for a change to the design of the Merchant Street Bridge. The addition of higher walls or landscaping between the park and the railroad could also adversely affect the Allegheny Commons Historic District through physical destruction or damage, changes to historic character, and introduction of new features within the district.</p> <p>With regard to audible and atmospheric indirect effects, the response comments document indicates if the Pittsburgh Vertical Clearance Project is constructed, the number of trains traveling through the APE will decrease as the double-stack trains will allow for higher volumes of freight and fewer trains. Overall, the project will result in a decrease in emissions and noise in comparison to the No Build alternative.</p> <p>If the Merchant Street Bridge project is not redesigned to accommodate visual screening (higher walls or landscaping), the PA SHPO agrees that the project will have No Adverse Effect on the Allegheny Commons Historic District.</p>	<p>The retaining walls between the railroad corridor and the Allegheny Commons Historic District are constructed separately from the Merchant Street Bridge carrying the railroad over Merchant Street. Increased retaining wall height would in no way change the design of the replacement bridge.</p> <p>Should the Pittsburgh Vertical Clearance Projects incorporate suggested visual screening measures as increasing the height of the walls separating the park and railroad corridor, which are identified as character-defining features of both historic properties, or by the planting of vegetative screening, the effects of those measures would be assessed as part of the Pennsylvania History Code Review for those projects. The potential mitigation measures pertaining to the Pittsburgh Vertical Clearance Projects should not be linked to the Merchant Street Bridge Project.</p>
3	09/16/2020 Letter Paragraphs 11 through 13	Barbara Frederick (PA SHPO)	<p><i>Merchant Street Bridge</i></p> <p>The Merchant Street Bridge, constructed ca. 1905, is a contributing element to the Pennsylvania Railroad: Main Line (Pittsburgh to Ohio State Line Railroad Corridor Historic District, Key No. 112372). The bridge was constructed as part of an early twentieth-century grade separation project that depressed the railroad line through much of Pittsburgh. The line is eligible in the areas of transportation and engineering. The bridge is deteriorated and can no longer carry rail traffic over a City street in a safe manner. The rehabilitation report concluded the bridge could not be rehabilitated to meet project purpose and need while conforming with the Standards. The proposed project will result in physical destruction of the bridge superstructure and changes in character within the railroad historic district. Therefore, the PA SHPO agrees with the agency finding of Historic Properties Adversely Affected.</p>	<p>The next consulting party meeting is scheduled for October 6, 2020. Previously discussed mitigation measures and any additional suggestions will be discussed for incorporation in the memorandum of understanding (MOU) that will be prepared at the conclusion of the consultation process.</p>

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			<p>To minimize the adverse effect to the railroad historic district, the stone substructure of the bridge will be retained and rehabilitated in accordance with the Standards. The new superstructure will be similar in size and scale to the existing structure. Other contributing features dating to the early-twentieth-century grade separation project include the decorative wrought-iron fencing and the stone retaining walls separating the park from the underpass and the railroad corridor. These will also be retained and rehabilitated according to the Standards to minimize the adverse effect.</p> <p>As currently designed, the Merchant Street Bridge project would adversely affect the Pennsylvania Railroad: Main Line (Pittsburgh to Ohio State Line) Railroad Corridor Historic District. Additional consultation with the PA SHPO and consulting parties is needed to develop mitigation measures. The mitigation should be relevant to the railroad, have a public benefit, meet the needs of all parties to the consultation, and be commensurate with the project effects.</p>	
4	09/16/2020 Email	Glenn Olcerst (RP3)	<p>The following are the sole opinions and beliefs of RP3.</p> <p>Norfolk Southern has proposed adding double stacked trains to oil trains through Pittsburgh. As outlined in detail in the pictures and narrative in this link, the deteriorated Ft. Wayne Bridge to the Convention Center presents the highest risk to the city's population and infrastructure.</p> <p>Norfolk Southern admits in the video outreach covering its Merchant St. Bridge, that the deteriorated corroded condition (from a lack of maintenance) of that bridge jeopardizes the safety of the community. The Ft Wayne Bridge is similarly corroded. Also covered in the link is the comparative lack of maintenance between rail-owned bridges and city-owned bridges of the same age. The problem does not end with the Ft Wayne Bridge and Merchant St. Bridges. Norfolk Southern's rail bridges all along the proposed route appear to be as deteriorated as Merchant St. and the Ft. Wayne Bridges.</p> <p>Deadly Crossing? Decide whether you trust Norfolk Southern; or if you'd be more comfortable with some oversight, contact Mayor Peduto, your City Council representative and your State Representatives. You can find their contact information here. Suggested message:</p> <p>"The integrity of Norfolk Southern's rail and bridge infrastructure on its proposed modified route for double stacks through the city is crucial to our safety and well-being.</p> <p>Maintenance of the Merchant St. Bridge, the Ft. Wayne Bridge and others pictured in RP3's link has lagged for decades. Failure to properly maintain these bridges (compared to city owned bridges of the same age) has resulted in an admission by Norfolk Southern of a safety hazard at Merchant Street if total replacement does not occur. Before the Pittsburgh Vertical Clearance Project is allowed to proceed, Norfolk Southern should:</p>	<p>See response to comment 1.</p> <p>This comment is unrelated to the spirit and intent of the Pennsylvania History Code consultation process. The letter-writing activity suggested in this comment is not an appropriate response to address the effects of this bridge replacement project on historic properties. Further, the comment again confuses the purpose and need of the separate Pittsburgh Vertical Clearance Projects with this safety-critical Merchant Street Bridge Project. As noted herein and elsewhere, Norfolk Southern complies with its bridge inspection and maintenance obligations under applicable rules and is working to replace this bridge to ensure continued safe railroad operations through Pittsburgh. Continued attempts to conflate this project with the Pittsburgh Vertical Clearance Projects merely serves to delay a safety related project.</p>

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			<ul style="list-style-type: none"> • Share existing inspection and repair information with public safety officials and the public; • Allow rigorous, independent safety inspections of all rail infrastructure that might be carrying oil trains next to higher center of gravity double stacks along the proposed modified zigzag route through the city, and; • Repair or replace all deficient infrastructure. <p>As our representatives, I ask that you additionally demand oversight by the Pennsylvania Utility Commission, Bureau of Investigation and Enforcement on our behalf.</p> <p>Sincerely, (your name)"</p>	